

REMARKS
OF
HON. C. L. L. LEARY & F. THOMAS,
OF MARYLAND,
ON
THE INDEMNIFICATION BILL.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1863.

Mr. LEARY said:

MR. SPEAKER: There is no member, I am sure, who feels more rejoiced than I do at the relief which my honorable colleague [Mr. MAY] must feel on being delivered of the speech with which he has just favored us. I congratulate him most cordially on the effort he has made here to-night. Those of the people of Baltimore who have up to the present moment felt any doubt as to the position occupied by my colleague, so far as the Government is concerned, are now, or will be when they read the speech of my colleague here to-night, perfectly satisfied of that position. There was a time, sir, when I myself entertained no doubt of my colleague's position on the great questions that agitate the public mind. I well remember on the night of the day when my colleague was elected, and when I myself was elected by the free suffrages of the people of Baltimore, that such was my firm conviction of his loyalty, and of his determination to sustain the constituted authorities of the Government, even though it might be compelled to resort to physical coercion, that I stated in the city of Baltimore, in my own neighborhood, in the presence of a vast crowd that had assembled on that occasion, that they need not entertain any apprehension in regard to his position; that he was a loyal man, a patriot, a friend of the Union, and determined to uphold the Government. I felt confident that such was the fact. There was a time after that when I entertained serious doubt as to his position. That doubt has been confirmed by the votes invariably given by my colleague in this House, all going to show that he was decidedly opposed to sustaining the Government in the prosecution of the war and in its efforts to suppress the most infamous rebellion that history has ever yet recorded. [Applause on the floor and in the galleries.]

Mr. MAY. Will my colleague allow me to interrupt him?

Mr. LEARY. I refrained from interrupting my colleague when he was on the floor, although I was laboring under feelings of indignation which words cannot now express, and I now decline to yield to him. My colleague can take his chance of the floor after I have finished. He must excuse me now, as I am under a pledge to the gentleman from New York to take but fifteen minutes of his time.

I was saying, Mr. Speaker, that I myself have been in no doubt as to my colleague's position. His votes upon this floor have shown a

128

848-2

persistent determination upon his part to throw difficulties in the way of the constituted authorities of this Government in sustaining the national supremacy and putting down this rebellion. His position is now specifically defined, and his constituents, as well as myself, will rejoice that it is so, although late in the session.

Mr. Speaker, I may have had some little doubt as to the policy of the measure now before the House. I have none now. I shall vote for this bill. I shall vote to indemnify the President and to support the Government now, as I have always done since I have had a seat upon this floor.

I venture to say that, during the whole history of the American Congress, there has never been such a deplorable spectacle presented to the nation as has been presented here to night. We have seen a Representative of the people of a sovereign State standing up here before the assembled Representatives of the nation, and degrading and humiliating in the face of the country the people of that State. The people of Baltimore and of Maryland have been represented as a subjugated people, and as having no longer free suffrage. I indignantly deny it. I repel the foul aspersion. I say there never was a time in all the history of Maryland when free suffrage was as free, when the press was as free, and when there was so enlarged and universal a liberty in the State and in the city of Baltimore as exists at this very hour. [Applause.] There have been, since my colleague and myself were elected, three or four elections held in the State of Maryland, and I aver that those elections resulted in a full and free expression of popular sentiment.

The gubernatorial election in the State of Maryland was a full, fair, and free election. My colleague has certainly missed the object at which he seems to have aimed, if, by the course of the remarks in which he has indulged here to-night in regard to the present Governor of the State of Maryland, he supposed he could for a moment deprive him of the high reputation which he has earned since he has occupied the gubernatorial chair of Maryland.

In the city of Baltimore there have been several elections held, and although there has been but a small vote polled at these elections, no man will dare to say, if he has any regard to truth and his own reputation for veracity, that it was not within the ability of every voter of the city of Baltimore and the State of Maryland to go to the polls freely and deposit his vote without interference. Those popular elections have been as free, full, and fair as have ever been held in the city of Baltimore or the State of Maryland.

Why, sir, what was the condition of things there on Wednesday succeeding the 19th day of April, 1861, on which those sad events took place in the city of Baltimore, which, I am sorry to say, have passed into the history of that portion of the State? An election was held in the city for delegates to represent it in the Legislature of Maryland. At that period the full vote of the city, when fairly given, at an important election, ranged from thirty-one to thirty-two thousand. This election was called by the mayor of the city and the police authorities to supply the seats of the delegation from the city of Baltimore in the State Legislature, which were then vacant; and I have no doubt my colleague will characterize it as a full and fair election, although every street in the city was gleaming with bayo

nets, and although it was called by those city officials who had taken upon themselves the solemn responsibility of meeting in battle array the forces of the United States; yet the full vote which was cast on that occasion reached in the aggregate the amount of nine thousand votes out of an average suffrage in quiet times of thirty-one to thirty-two thousand. No fault was then found by my colleague or his coadjutors, nor did they complain that that vote was not sufficiently full. The Union sentiment at that time lay dormant in the city. The loyal citizens, whose influence was then scarcely felt, however, soon rallied. A Union reaction took place, which soon made itself felt by the traitorous Legislature of that State, and it has ever since predominated there. I say again, that from that time forward there has never been an election in the city of Baltimore that has not been conducted under the full authority of the laws of the State of Maryland; that has not been conducted in perfect fairness and freedom, and that has not resulted in a fair and full expression of the popular sentiment of the city of Baltimore.

Now, sir, in reply to what my colleague has said as to Maryland being a subjugated province, and as to the city of Baltimore and the surrounding country being under military rule and military authority, I beg leave to say that at this day there is not a community within the confines of this Republic who are living in more perfect quiet, who are living in a more perfect condition of contentment and peace than the denizens of the city of Baltimore. I know that this is the cry of that party in the city of Baltimore and State of Maryland who long ago occupied the position of a peace party, as they term themselves. I know that this is the cry of that organization in the State of Maryland who coincide with the views expressed by my colleague in his speech to-night; I know that they desire the Government to abandon its present position; I know that they desire that the forces of the United States should be disbanded; I know that they desire peace to be secured upon any terms; that the flag of the Republic should be struck and dishonored, and the nation be surrendered and made to bow in abject submission at the footstool of that arch-traitor who now rules supreme over the southern confederacy. I say there is a party in that city and State which fully coincide with my colleague in this regard. But, sir, I say with pride, and in view of all the responsibilities of the position which I occupy as a Representative upon this floor, that a large and overwhelming majority of the people of my State are now arrayed in solid column under the flag of the Union; that they are for the vigorous prosecution of this war, and that they are ready and fully prepared to sustain this Administration in the conflict in which it is now engaged. I predict that, beyond a question, this will be the result of the coming elections in the State of Maryland.

Mr. Speaker, I have not agreed with this Administration in all its measures. I have disagreed with the President, and disagreed with the ruling party in this House, in many matters relating to the conduct of the war; but I say here, as I have said before in other places, that so long as God gives me life, and while I am a member of this House, I will vote for every man and every dollar the Government may ask for the suppression of the rebellion, for the crushing out of the enemies of the Republic, and for the punishment—the condign

punishment—of treason and the traitors who are arrayed against the authority of the Union. [Applause.]

These remarks of mine are desultory; they are necessarily so. I have had no time to prepare a set speech. I came into this House this evening with not the slightest expectation of hearing my colleague; and if I had expected to hear him, I could not have anticipated that a Representative of that noble city in which I live, and of that State which has honored me thus far—that revered old State in which I have been born and reared, and around whose future destiny are clustered my fondest hopes and desires—I could not, I say, sir, have expected that my colleague should indulge in the course of remarks to which the House has listened this evening.

I say that the State of Maryland has been, at the hands of my colleague, on this occasion, dishonored and degraded. I deny that the people of Maryland are subjugated. I deny that she is a subdued province. She is a free and independent State of this Union, a member of that glorious sisterhood of States, and enjoying the protection of the Constitution of the United States. And she is willing to exert her power and authority, moral and physical, for the purpose of sustaining, and not for the purpose of overthrowing, that Constitution.

Now, sir, in order to show the House—for gentlemen here are not fully acquainted with the condition of things in the city of Baltimore when the riots of the 19th of April broke out, and immediately succeeding that struggle—I say, in order to show the prevailing sentiment of the enemies of the Government at that time, and for many weeks succeeding, and for the purpose of showing that the party indulging in those opinions is the same party represented by my colleague upon this floor, I beg leave to have read from the Clerk's desk an extract from the *Baltimore Republican* of Thursday after the ever memorable Friday upon which the riots at Baltimore took place. I present this extract for the purpose of showing the feelings and motives actuating parties then in hostility to this Government, and who have ever since manifested that hostility, not manfully or avowedly, but who, like skulking cowards and traitors, have been taking advantage of every fact and every incident that occurs, in order to obstruct the operations of the Government in carrying out and executing the laws of the Republic. I ask the Clerk to read the extract I have indicated.

The Clerk read, as follows :

"THE VOTE OF YESTERDAY.—Some of the old croakers, if not traitors, are talking about the vote of yesterday as indicating the indifference of the people, or their opposition to the meeting of the Legislature. Nothing can be more false than this assumption; when it was known that one half our male population is under arms, engaged in various duties in and out of the city, and that there was no opposition to call out the voters, it is surprising that the vote is so large. We are sorry to see anywhere a spirit of timidity—of shrinking from the crisis. There are a few who are either too cowardly to take a stand with their brethren, or secretly affiliate with the abolitionists at Washington. Their silly cry about the Union and 'the flag' imposes upon no one.

"The Union has been rent asunder by the madness of Northern fanatics, and the flag of the old Union is now the symbol of injustice and oppression. No man who loves liberty or humanity can now rally under the flag of despotism unfurled by Lincoln over his fanatical followers. To raise that flag in this community, under present circumstances, would be an insult and outrage which would be promptly resented by the people. The people of Maryland are forced by the insane and murderous course of the Lincoln administration to choose now whether they will be free to pursue their own ideas of right, or whether they will submit to the despotism which has been inaugurated at Washington."—*Baltimore Republican of Thursday.*

Mr. LEARY. It will be observed that the reference here made is to the election of which I have spoken, occurring soon after the 19th of April, when delegates were elected to the Legislature of Maryland. It may be worth while, also, to remark that the man by whom that paragraph was penned—the editor of that same Baltimore Republican—was at that time an officer in the custom-house in that city, appointed under the Buchanan administration, and was then actually deriving pay and emolument from the national treasury.

But that is not all. That opportunity was seized upon in order to defy the Government, insult its flag, and to outrage the loyal sentiment of the people. Another incident occurred, of which my colleague is perfectly cognizant, at about the same period. The City Council of Baltimore by a solemn vote decreed that the flag of the Union should not be raised in the city of Baltimore, unless with their consent. Yes, sir, this flag of the Republic, this symbol of republicanism and American liberty, which, whatever may have been the effect of the past education of my colleague, I have always been taught to revere and honor—this flag was by the solemn decree of the Mayor and City Council of the city of Baltimore trailed in the dust and dishonored. And when afterwards they found that the loyal popular sentiment could no longer be repressed, these faithless and recreant men had the cool audacity to attempt to shield themselves, and to justify this measure, under the shallow pretext that it was necessary in order to preserve the public peace. Sir, it would have been infinitely more to the credit of our city had the Mayor and corporate authorities remained perfectly passive, and permitted the loyal men of Baltimore, with arms in their hands, to stifle and suppress the first nascent manifestations of rebellion and treason in that city. Sir, they would have done it; in defiance of every peril they would have raised that honored flag, and borne it triumphantly against all opposition.

One word, Mr. Speaker, in regard to the reverend gentleman who, as my colleague asserts, has, within a few days past, been arrested in the city of Baltimore without legal warrant. I am not conversant with the facts of the case, but I learn from the daily papers that he is charged with tearing the national banner 'from the outside of a building from which it was suspended, with the design to insult the national authority. It is alleged, in justification of this act, that the building belonged to him. I know not whether this be true, and it is perfectly immaterial, in my judgment, whether he was the owner of the building or not. I hold that any indignity wilfully and wantonly offered to the authority of this Republic, at this time, is a high and flagrant crime; and I say that the man who dares to insult the flag of the Government which has secured, and still secures, to him all the sacred rights of person and of property, deserves to be punished; and were I the President of the United States, whether in accordance with law, or with the guarantees of the writ of *habeas corpus*, or not, I would have consigned him to a dungeon. Sir, there is no excuse or palliation for such conduct; no apology can be offered to justify it. It ought to be punished with law, if law can be found; and if not, then I would punish it without law. [Laughter and applause.]

Mr. Speaker, the members of this House may not be cognizant of

the fact, but I know that from the first hour when these troubles were inaugurated, this reverend gentleman has, not only by the clergy of the denomination to which he belongs, but also by the people of that denomination, been universally recognized as in direct and deadly hostility to this Government. It is idle, then, for my colleague to attempt, upon the floor of the American Congress, to justify such conduct, and to excite sympathy where sympathy is utterly unmerited.

Mr. Speaker, I have examined the bill now before the House; and although heretofore entertaining some doubts as to its propriety and expediency, I am now fixed in my determination to vote for it. [Laughter.] I have always been fixed in my purpose to sustain this Government. I have differed with this Administration in regard to some features of its policy; but, sir, as long as I occupy a seat on this floor, I will support every measure needed for the suppression of this rebellion, and for bringing traitors to condign punishment.

REMARKS OF MR. THOMAS.

Mr. SPEAKER: I am called very unexpectedly into the debate. Having but a moment since entered the House, I heard only a portion of the speech of my colleague, [Mr. MAY;] but have heard enough to judge of the character and design of the whole speech. It is an effort to fix upon the public mind the belief that popular sentiment in Maryland, but for the interference of the executive Government of the United States, would favor the severance of the Union, and the annexation of that State to the confederacy which traitors have organized. Remembering that the facts and arguments now adduced to prove that Maryland is tyrannized over have been, more than once, heretofore paraded before this House and the country, when the facts have been proved to be unfounded, and the arguments therefore groundless, I am reminded of the exclamation of the astonished Macbeth, when the ghost of the murdered Banquo stalked into the banqueting hall—

“the times have been,
That, when the brains were out, the man would die,
And there an end: but now, they rise again.”

But I am reminded of no instance in which a writer of prose or poetry has been so bold as to assert that a false statement or a false argument could be so thoroughly brained that it would not again be made to stalk as large as life into a discussion. Notwithstanding, it is my duty to make one more attempt to put to rest before this House and the country a gross asperation of the majority of the people of Maryland. In doing this, I will not indulge in mere declamation; I will not answer bold statements by mere declarations on my part; I will not content myself with merely uttering opinions, and leave others to weigh my opinions against the utterances of my colleague. It will be my endeavor, in a few words, to place this House in possession of stubborn, established facts, which will furnish to others the elements of an opinion, and relieve my State of that unmerited odium under which Maryland has so long suffered.

Now, sir, I will not charge my colleague with any willful misrepresentation of the character of the people of Maryland, or with any willful misstatement of facts calculated to implicate the people of that State; but I have to say that he acts and speaks under a hallu-

cination that is strangely haunting the brain of gentlemen of that position in politics to which he belongs.

I have been forced to listen in this House, and have read in the newspapers, in speeches uttered elsewhere, that Maryland is oppressed, tyrannized over, and crushed down under the heel of tyrants. A fouler aspiration was never uttered anywhere by any man. Maryland oppressed! When? Where? By whom? Those who speak of Maryland, mean, of course, the majority of the people of Maryland; and when gentlemen speak of oppression, they mean, of course, that the will of that majority has been trampled upon, crushed and tyrannized over by the measures of the Chief Magistrate. With this allegation I take distinct, unequivocal issue; it is not founded in fact. The people of Maryland, under the dictates of their own deliberate and enlightened judgment, with a free will, have taken position and mean to stand sternly in the column of those loyal States who are in battle array around this Government, determined to vindicate the honor of its flag. Great delusion on this subject exists outside of Maryland. Gross error has been engendered in the public mind because the people of Maryland and her great emporium have been judged of from the conduct of their public functionaries. In this there is great injustice. Ordinarily, by that process, a correct judgment as to the people of a State may be formed. A superficial consideration of a few transactions well known to be true will place this subject in a proper point of view.

Mr. Speaker, I read, in my retirement, a short time ago—two years ago—the proceedings of a self-created convention, held in the city of Baltimore. That convention pretended to represent the State of Maryland; and how were the delegates elected to it? By primary assemblages of the people, and not by vote; not by any process which would ascertain the will of the people. The delegates to that convention were appointed in little caucuses and petty meetings. One of them in the county from which I come, could have been dispersed by a single individual, [laughter;] but if dispersed, they could have published the proceedings of a convention in a newspaper, declaring it was a most august assembly, and that five men had been appointed to go down to Baltimore, to meet other gentlemen from other counties, similarly appointed, to signify the will of Maryland! Having assembled, one of the resolutions adopted, I believe, declared in effect that no man, making any pretensions to respectability, in Maryland, differed with them in the opinions expressed. Outside of that convention there were thousands of the people keeping step to the music of the Union; men, sir, who were the equals, as intellectual and moral beings, of the members of that self-constituted assemblage. That convention deputed a portion of their members to go down to Richmond to communicate to the Virginia convention, then in session, the purposes of the Maryland convention. Not one of the members of that body was clothed with the proper authority to go upon any such mission. The whole proceeding was well understood in Maryland, and, although then scoffed and scouted and scorned by the great mass of the people, served probably in some degree to imbue the minds of many outside of the State with that false judgment as to the designs and desires of the people of my State, since so hard to eradicate. To rectify that judgment is my present object. It is

proper I should undertake the task in behalf of a people from whom I have received so many unmerited honors. Let not, I pray you, the loyalty of Maryland be tested by the conduct of presumptuous self-constituted conventions, but by the voice of the people as proclaimed in fair, legal, full elections, to which we will presently refer. But before we do this, let me clear more rubbish out of our path.

It is proper to say that we have not in Maryland a government republican in its form. The Governor is elected fairly by the whole people. The House of Delegates is organized by no fixed uniform rule of apportionment of its members. The small counties have an undue share of its members. The Senate consists of twenty-two members, one of whom is chosen by each county, and one by the city of Baltimore. This distribution of the members of the Senate results in giving to twelve counties who have a population of less than one-third the right to elect a majority of the Senate.

From these indisputable facts it will be perceived that the number of members of the Legislature that may be chosen by any political party in the State furnishes no just criterion to judge of the pervading popular opinion. This would be the case even if the issue of union or disunion had been joined before an election. But no truthful man will say that any such issue has been involved in the election of those members of the Legislature whose arrest and imprisonment has called forth so much political lamentation. At that time the Democratic and Know-Nothing parties struggled for the mastery. The Democrats secured a majority in both branches of the Legislature. The election of the ten Know-Nothing delegates from Baltimore was declared void, a new election for that city was ordered, and the Legislature altered the law under which the people of Baltimore were authorized to elect their own police officers, and by law appointed the police commissioners, who so signally failed to protect from violence the soldiers of the Union marching to protect the endangered Government which we all have so much cause to love and cherish.

These, sir, are indisputable facts, well known all over Maryland. And I have to ask emphatically, is it not hard, very hard, to hold the people of Baltimore responsible for the conduct of a contemptible mob, or of police commissioners whom the people of Baltimore did not and could not choose, but who had been placed, against their will, in authority over them by an act of a Legislature in the popular branch of which these much abused people had no representation?

We have now, I think, Mr. Speaker, a stand-point from which we can take a view of those popular movements in Maryland which are fair tests of her loyalty. Before we do this, to complete this hasty sketch of the past, it is proper to add that the vacated seats in the House of Delegates were filled in April, 1861, when the mob had momentary dominion in Baltimore, by an election of those ten gentlemen who were arrested and imprisoned, and who received at the polls a vote less than one third in number of the whole vote of Baltimore—the other two thirds of the voters absenting themselves from the polls under, probably, an unwillingness to encounter unarmed an armed mob then domineering over the city. And as these delegates were not the fairly chosen representatives of the people of Baltimore, I protest against the injustice of holding that city responsible for their public

conduct, as I have protested against the monstrous injustice of holding that city responsible for political sins of omission or commission imputed to commissioners of police who were arbitrarily put in authority over the people of Baltimore by a law to which a large majority of them were violently opposed :

In making these references to past transactions, I have no design or desire to awaken old party animosities ; and in reply to a suggestion over the way, I have to say for myself, and I speak it in deep sincerity, that I can forgive every man all his political sins who, in this day of agonizing struggle for liberty and equal laws, will come up to the rescue. I would have all to act in this our day of terrible trial with the magnanimity which marked the conduct of General Jackson towards one who had sinned against himself, but had been gloriously true to the cause of his country.

Mr. VOORHEES. Will the gentleman allow me ?

Mr. THOMAS, of Maryland. I dislike very much to be interrupted.

Mr. VOORHEES. I will not do it if the gentleman dislikes it.

Mr. THOMAS, of Maryland. I dislike it very much. I have been for more than twenty years of my life a member of a deliberative assembly, and have never yet interrupted a gentleman on the floor to catechize him in a way that has become a sort of common law of Congress.

I was about to tell an anecdote of President Jackson illustrative of the feeling under which I gave utterance to a sentiment just now. During his presidential term an application was made for the removal of some postmaster or deputy postmaster in one of the Northern States, and it was urged upon the President with a great deal of earnestness, first by letter, and then a special committee came here and remonstrated with great bitterness against the continuance of this violent political opponent of the President. To cap the climax, as the committee supposed, of the postmaster's offences, and insure his removal, they told the President that the obnoxious officer had called General Jackson a "d——d gray-headed ——." "Did he?" said the general. "He did." "If I am not mistaken," said Jackson, "that man stormed Stony Point under Wayne, and any man who did that has my permission to be a postmaster and to curse me for the balance of his life."

So much for bygone, past party differences, to which it has pleased a gentleman, by side remark, to call my attention.

I was saying, Mr. Speaker, that this Legislature of Maryland, through whom, unfortunately, you look at Maryland, was elected at a time when the people did not foresee any such questions as have since arisen. Now, what follows ? Availing themselves of their temporary power, they disfranchised the population of Baltimore, took away from the people of that city the right to elect their own local officers, and by law placed over them commissioners of police. I know that I am right in these facts.

Mr. MAY made a remark not heard by the reporters.

Mr. THOMAS, of Maryland. Well, I call it disfranchising the people of Baltimore, because they were appointed by an act of the legislature, and Baltimore has not a fair representation there. Baltimore has but one senator, and the smallest counties in the State have each one senator. Twelve senators represent only one-fifth part of the

people of Maryland, and these twelve senators constitute a majority of the whole body; and the body thus organized, under such auspices, availed themselves of their position, and placed over the people of Baltimore these commissioners of police. Time wore on. These great issues were brought before the public. These commissioners of police of Baltimore—holding all the power to keep order, holding at their beck and nod the entire police—did not prevent the inauguration of a rebellion against the Government by stimulating a mob to violence. For this, I say, they were rightly held responsible. If they could have prevented, and would not prevent, that attack upon troops marching, under orders of the President, to the protection of our seat of Government, they are guilty of treason. If they were willing to keep open a way through Baltimore for brave soldiers rushing, at their country's call, to the rescue of our Government, and could not discharge that duty, then these commissioners were incompetent. These commissioners, so far as I have had any opportunity to judge, did not at any rate exercise all the powers that the case required. Whether they inaugurated the rebellion or not, they did not quell it—they did not put it down; they showed themselves utterly unqualified for their positions. What, then, was the duty of the Chief Magistrate of the nation? Why, sir, it was his duty to lift them out of their offices, to deprive them of their power, and to incarcerate them, if they refused to yield. And why did they remain so long incarcerated? Because they refused to resign the offices they held. Because they refused to forego the power that they held. At any moment their prison doors would have been thrown open, if they would even have resigned their offices and given a pledge or parole of honor that they would not take part with this rebellion. I take no pleasure in making these declarations. These topics are introduced here by my colleague, and it is due to the loyal people of Baltimore, and of all Maryland, that the truth should be told to the House and to the country. Let us pass to another stage of this discussion.

I did not hear half that my colleague said, as I was out of the House when he commenced to speak; but I understand that one of his complaints is that certain members of the Maryland Legislature of whose election I have spoken were arrested by the Government and incarcerated. Now, sir, that Legislature had been elected, under the auspices I have described, years before. It was a Legislature never reflecting the popular sentiment of Maryland. For, sir, I repeat here the remark that the constitution of Maryland in truth is not republican; there is no proper respect to population in the apportionment for the election of members of the House of Representatives and of the Senate of Maryland. The small counties have each one Senator, and the city of Baltimore and the large counties have each but one Senator, and thus it will happen very frequently that the Legislature is no true index of the popular will of Maryland; and it so happens that twelve of the twenty-one Senators come from twelve small counties, where nearly the whole of that class of the population of Maryland is located that has been one of the disturbing elements, one of the distracting influences in this country, while there is very little of that element in the residue of the State, where four-fifths of the population is located.

Well, sir, one of the first acts of this Legislature, thus convened, was to pass a bill of indemnity, indemnifying every one who had taken part in that insurrection in Baltimore, when the laws of the land were trampled under foot. This law, exonerating and exempting from all responsibility whatever every man who had taken part in that monstrous and cowardly outrage of shooting down the soldiers of the Union on their way to rescue the Government from its peril, gave evidence of the sympathy of the Legislature with the persons whom they thus shielded from the penalties due to their crimes.

What next did this Legislature do? In the Senate a bill was proposed depriving the Governor of Maryland of all executive power, because he would not act in accordance with their wishes, and proposed to appoint five commissioners and place at their disposal \$2,000,000, and give them full power to organize and arm the population of Maryland.

Sir, all these acts were not the acts of the people of Maryland. I utterly deny that. They were the acts of men who never were elected for such purposes by the people of Maryland, who were never responsive to the popular sentiment of the State, and who never could have been elected to the positions they held by the popular vote of Maryland at any time with any such views.

These acts being in progress, the President of the United States, or some one in authority under him, did what? They took these public functionaries out of their positions and incarcerated them. Now I mean to say, and I venture my reputation for intelligence and veracity upon it, that an act never was done by the Chief Magistrate of the United States more entirely responsive to the will of the majority of the people of Maryland than that very arrest of the members of the Maryland Legislature, to stop their proceedings. Sir, I was not consulted about it by the President or any member of his Administration; I have not had the honor to be consulted, and had no desire to be consulted, at any time in regard to these measures; but with my whole heart I thanked him for having arrested a proceeding which must have resulted—in what? A civil war upon our own soil in Maryland; a civil war which I should not have had so much cause to dread as gentlemen on the other side in my State; a civil war of the majority against the usurpations of the minority.

But, sir, let us go back a step to the progress of this matter. I want to present the facts to the House, for, when the true facts are known, any intelligent gentleman can argue out his own conclusions; and if the facts had been known, strangers would never have engaged in this torrent of vituperation against the State of Maryland, which I have been forced to listen to here until my blood would flush with indignation. Let us go back and look into the facts.

What were the people of Maryland doing to rid themselves of this incubus? I make the issue distinctly with my colleague that there never has been any impression made upon the people of Maryland, for good or evil, by those arrests. The majority stands now where it stood before the arrests were made. The arrests only had the effect, in mercy, to save the direst consequences to the individuals who were attempting to precipitate the people of Maryland into a conflict in which they themselves must have been worsted. They ought to give thanks for the interposition of the Government who saved

them from such a catastrophe, instead of that everlasting querulous complaint. What were the people of Maryland doing then? I will give you one or two facts.

In the county of Washington there was a member of the House of Delegates to be elected to fill a vacancy. This was on the 4th of May, 1861, before President Lincoln's policy was fully developed. By a majority of three thousand nine hundred and sixty-five the people of Washington county sent to the House of Delegates Lewis P. Fiery, a delegate in favor of the Union and in favor of the only sensible way of maintaining it—coercion. An election was also held for a member of the Legislature in the county of Cecil, in another section of the State, in May, 1861, electing Mr. McIntosh by a majority exceeding two thousand. These were overwhelming popular majorities for the Union and for coercion. In the town where I have spent so large a period of my life, that spot so dear to me, what did the people do? I could not stand before this intelligent audience and fail to do them credit. Uncertain as to what would be the policy of this Administration, doubtful whether there would be that energy which, thank God, has been since displayed; sternly determined to sacrifice their lives, if need be, on the altar of their country, the people of the town of Frederick and of the valley of my nativity, and where was once my home, armed themselves, eight hundred strong, and the members of the Legislature were notified that if they dared to pass the bill proposed in the Senate; if they dared to place the executive power of the Government in the hands of these five commissioners; if they dared to put \$2,000,000 of money in their hands, they would be sent, without judge or jury, to meet their God. [Applause.] The people who took measures to maintain the Union are not place-hunters or seekers for presidential favors. They are men entitled to rank for intelligence, respectability, patriotism, and sterling loyalty, with any people on this continent. We believe that this popular demonstration arrested disloyal purposes. The Legislature afterward reassembled, and these arrests took place. The people thank the President for arresting the members of the Legislature and placing them in confinement till after their term of service had expired.

Now, Mr. Speaker, the best way of knowing the will of the people of a State is by their votes at the polls. I have given the votes of the county of Washington and of the county of Cecil, taking place before any arrests had been made in Maryland, and giving an indication of what would be the popular verdict if the people had an opportunity of electing another set of delegates in the place of those who had thus abused their power. I have said again and again that I have yet to meet the man in Maryland—and I am pretty well acquainted there—outside of the small minority which I have described, that has a complaint to make of the arrest of these commissioners, or of the Government arresting in mid-career the members of that usurping Legislature, which seemed prepared to precipitate the State into a boiling, hissing, bloody whirlpool of revolution.

I have said, sir, that the only test of popular sentiment is a vote at the polls. Now, how did the congressional election turn out? My colleague [Mr. MAY] was known as a denouncer of the doctrine of secession and as a Union man. I am not now reproaching him

for a change of position. He was run as the anti-caucus candidate against the regular nominee of the Union party; and his character as a man of commanding talents and of pure and unspotted life aided him more in that position than like claims to popular approbation could have aided his antagonist, who was the nominee of a party convention, when party lines were not clearly drawn, and when it was not very distinctly understood what Unionism meant. Under these auspices my colleague was a candidate. He received the secession vote, and this, aided by the divided vote of the Union men of the city of Baltimore, gave my colleague his seat. His election was, therefore, no evidence of secession proclivities of his district. My other colleagues [Messrs. WEBSTER, CALVERT, CRISFIELD, and LEARY] had large majorities, and my majority was too large to be enumerated easily; it was over ten thousand.

I ask the House, then, is it right, is it fair, is it proper to say that Maryland is tyrannized over? Everywhere at the polls the people have freely and fairly signified their preferences. The present Governor of Maryland was elected to his office by a majority of over twenty thousand. His antagonist was one of the most meritorious and estimable citizens of Maryland, a son of the lion-hearted Howard, who led the Maryland line during the war of the Revolution, a man with as strong a hold upon the popular heart as any man in the State. But then he was suspected to sympathize with the southern rebellion, and the present Governor, though little known to the people, defeated him in a fair election by over twenty thousand majority. The present House of Delegates of Maryland was chosen at the same election, and of seventy-nine members there are not five who are even suspected of sympathy with the rebellion.

Now, Mr. Speaker, I have cursorily adduced some of the facts on which I have based my position. I have given you the evidence. I am very frank to admit that in some cases there have been arrests of private citizens of a very indiscreet character. There were more members of the Legislature arrested than there was any occasion for; for there were some of them who did not even clearly understand what were the points in controversy. I do not mean to disparage the people of Maryland in making that remark. It requires the anxious, earnest inquiry of well-trained, disciplined, and intelligent minds to draw the nice kind of distinctions that mark the boundaries between national and State jurisdiction, and point out the path of duty to those who would be true to the State and true also to the Union. I think, therefore, that many of the delegates were arrested unnecessarily. They were following the leaders of the Democratic party, who had indoctrinated that party with these new-fangled State-rights doctrines. With the exception of these indiscreet arrests, I repeat what I before said—and I stake my character on the statement—that I know not an individual in Maryland true to the Union who has made much complaint about the arrests that have taken place within her border. It is certainly calculated to excite our indignation to have it said, again and again, that Maryland and her majority are trampled under the iron heel of power.

There is a very great mistake, so far as Maryland is concerned, as to the sympathy felt in the southern movement. As I have intimated, the great bulk of the slave population of Maryland is

located in a small area of the State, most of it in the districts represented by my colleagues, [Mr. CALVERT and Mr. CRISFIELD;] and outside of that section of the State there is less sympathy with the attempt to organize a southern confederacy, the corner-stone of which is to perpetuate human slavery. An overwhelming majority of the State is against that institution, if we are to judge from the fact that a very small number of the people hold slaves, although authorized to do so. Twenty-five years ago the Legislature of Maryland was organized in more thorough antagonism to the popular sentiment than it is now. The House of Delegates and Senate had the power, by joint ballot, to elect the Governor, and the Governor had the power to appoint all the subordinate State officers. That system of government had been organized in 1776, when the bulk of the population was located in the Potomac counties. There were four delegates for each county, without regard to population; and the Senate was composed of fifteen members, elected by an electoral college formed of one member from each county and one from each of the cities of Baltimore and Annapolis. It will be seen at a glance that the entire government of Maryland at that time, executive, judicial, and legislative, was in the hands of that section of the State where most of the slave population is located. A reform was then inaugurated—about which I will not speak, because I was too much personally concerned in the movement—with a view of reapportionment of representation, and with a view of the election of Governor by the people. A hue and cry was then raised about the danger of the slave institution in Maryland. Now, sir, there is no man who is cognizant of the condition of affairs in Maryland who does not know that in face of that hue and cry, the population of Maryland, under the lead of western Maryland chiefly, demanded the right under this new constitution, both to elect a Governor by the people and that there should be a reapportionment of representation approximating more nearly to the basis of population; and that thereafter conventions should be called with a view to other reforms. The issue then made between the slaveholding section and the non-slaveholding section resulted in the overruling of the slaveholding section by a decisive vote of the people of the Commonwealth, as my colleague very well knows.

These, sir, were well-known facts, and woe to the day when the slaveholding section of Maryland shall persist in making the issue before the people of Maryland, involving the severance of that State from the Union. I do not want the issue to be raised; I do not invite it; but when we hear so much about Maryland being trampled upon, I advert to these facts for the purpose of saying upon my conscience that whenever the issue is forced upon the people of my State, involving in any manner the question between dissolving its ties with this Government and the emancipation of its slaves, an overwhelming majority will decide in favor of emancipation!

Mr. Speaker, Maryland is not exclusively nor chiefly an agricultural State; she is a mining, manufacturing, mechanical, commercial, railroad State. The county from which I come has a large mining interest, of much greater value than the whole slave interest of the State. The Baltimore and Ohio railroad has a larger amount of capital than the value of all the slaves of the State. The manufacturing,

commercial, and mechanical interests of Maryland, are all necessarily involved in danger, in my humble judgment, of great damage in any effort of madness and folly under any appeal of passion to induce the people of that State to join the southern confederacy. The people of Maryland understand all of these facts. We desire that the day shall be far distant from us when such a contest is forced upon us; but, sir, let the issue be made any day, anywhere, in any mode, between a withdrawal from this Government and universal emancipation, and there will be no hesitation, not for one moment, in our choice. [Applause in the galleries.]

Let me not be misunderstood as entertaining any of those speculative opinions about there being no property in the right to control the slave. My loyalty to the constitution of my State is not skin-deep in that respect. My loyalty goes to the full extent of heart and head; when I pledge my faith to obey the constitution of Maryland, and the laws made in pursuance thereof by the Legislature of that State establishing certain relations between one class of the people and another, and the Supreme Court—the only arbiter in such a controversy—decides that that law is consistent with the Constitution, I am bound to obey. I do not look for excuses nor evasions to escape from the responsibility which I am under to obey all constitutional laws, and to respect and protect all rights they vest until those laws are changed by the supreme law-making power of the State. I am loyal not only to laws I love, but to laws I hate. To this extent every good citizen is in honor bound.

“Where ye feel your honor grip,
Let that aye be your border;
Its slightest touches, instant pause—
Debar a' side pretences,
And resolutely keep its laws,
Uncaring consequences.”

My loyalty is the same to the Government of the Union, whose constitutional commands I recognize as supreme over all. I will stand by any or all laws of emancipation, or any other laws that the judiciary of the country, when brought to the test before them, shall declare to be in accordance with the Constitution.

I have said this much to exclude the conclusion that I invite such a contest in Maryland as I have indicated as possible. On the contrary, if my counsel shall prevail, it should not be made now, of all times. When we have so much before us about which we should act in concert, let us not enter upon a crusade relating to any other subject. I have said, and again say, that my loyalty to this Government is not to be shaken by the fact that the Government of the United States may undertake to adopt in its legislative, executive, or judicial department a line of policy which my judgment cannot approve.

I have no difficulty in preferring President Lincoln to Jefferson Davis. I have no difficulty in preferring President Lincoln and his Cabinet to Jefferson Davis and his cabinet. I will not yield to any clamor nor inducement looking to a division of this country. It is the destiny of all the territory of this Union that it shall remain the home of a free and liberty-loving population. We paid for it, by the fortifications with which we have surrounded it; we paid for it by

removing the Indians beyond its borders, and paid for it by giving to it, as a part of this Republic, a reputation all over the earth which any nation might envy, and of which every good citizen is proud. We are ready to make any sacrifice for it, because we love that system of American government which is made for the many and not for the few, and because we desire to extend the benefits of such a Government over a large area of States. We do not wish to follow in the footsteps of European Governments, where they have, in a country less in extent than the United States, fifty-five forms of government, and continual war about boundaries which ought never to have been established, and for the support of dynasties which never ought to have existed. We have taken our lot upon this American continent with the determination that this Republic shall extend from the Atlantic to the Pacific ocean, from the southern boundaries of Texas to the Canadas, and some of us hoped, and I was one of that number, that the day might come when the boundaries of our governmental jurisdiction would be enlarged peacefully, until at last the old flag would be unfurled to protect every foot of soil from Central America to the Canadas.

As to the questions now before us for immediate action, I have a word to say. I voted against the bill, which passed this House, intended to deny to those who have been arrested by high officers of the Government all right of action. I would not deny to any man a right of trial by jury in vindication of his rights of person, of property, or reputation. If Congress indemnifies any executive officer, let it be by paying all damages incurred, when Congress is satisfied that the officer was in truth and sincerity engaged in what he supposed to be a public duty. And I am willing, in any proposition to indemnify in that form, to be to the faults of public officers indulgent and kind. I desire to give, sincerely, encouragement whenever I can to the Administration, because its chief purpose must be the restoration of the Union. And I will not be deterred from giving support to that extent by any obloquy which may be heaped upon those in power for any measures which are, or are supposed to be, inimical to the public interest. I think that in this case the House can do all this by voting for the bill as it has passed the Senate.

There is one provision in the bill of which we may doubt the constitutionality. As to that I am willing to let the courts decide, the measure itself being a good one. If we can give to a public officer the benefit of that defence proposed in the bill of the Senate, I am disposed to do so. At all events, I think that in times like these State courts and State juries, summoned by the sheriffs elected by themselves, ought not to have exclusive power to determine questions involving the discharge of public duty of public officers acting under the authority of the Government of the United States.

I thank the House, Mr. Speaker, for their patient hearing of all I was suddenly called upon to say in vindication of the people of Maryland, and must hope that the position of Maryland will be hereafter better understood abroad.